

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**DAVID VAUGHN AND STEPHANIE
HAWKINS-VAUGHN,**

Plaintiffs,

vs.

**GEOVERA SPECIALTY
INSURANCE SERVICES,**

Defendant.

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CIVIL ACTION NO. _____

JURY DEMAND

DEFENDANT'S NOTICE OF REMOVAL

TO THE HONORABLE COURT:

Defendant GeoVera Specialty Insurance Services ("GeoVera") files this, its Notice of Removal to the United States District Court for the Southern District of Texas, Houston Division, on the basis of diversity of citizenship and amount in controversy and respectfully shows:

1. On March 5, 2015, Plaintiffs David Vaughn and Stephanie Hawkins-Vaughn filed their Original Petition in Harris County, Texas, naming GeoVera Specialty Insurance Services as Defendant. The lawsuit arises out of a claim Plaintiff made for damages to their home under a homeowner's insurance policy with GeoVera Specialty Insurance Company.
2. Defendant files this Notice of Removal within 30 days of the filing of Plaintiff's pleading. *See* 28 U.S.C. §1446(b). This Notice of Removal is being filed within one year of the commencement of this action. *See id.*
3. Copies of all pleadings, process, orders, and other filings in the state court action are attached to this Notice as required by 28 U.S.C. § 1446(a). A copy of this Notice is also concurrently being filed with the state court and served upon the Plaintiffs.

4. As required by 28 U.S.C. § 1446(a) and Rule 81 of the Local Rules, simultaneously with the filing of this Notice of Removal is an Index of Matters Being Filed is attached hereto as Exhibit “A.” A copy of the state court Docket Sheet is attached hereto as Exhibit “B.” A copy of the Civil Case Information Sheet filed in state court is attached hereto as Exhibit “C”; Plaintiff’s Original Petition is attached hereto as Exhibit “D”; and Defendant’s List of the Parties to the Case and Counsel is attached hereto as Exhibit “E.”

5. Removal is proper based on diversity of citizenship under 28 U.S.C. §§ 1332(a), 1441(a) and 1446.

6. This Court has jurisdiction over this action under 28 U.S.C. § 1332 in that there is diversity of citizenship between all parties in interest (Plaintiff and GeoVera) and the value of the matter in controversy exceeds \$75,000, exclusive of interest and costs.

7. Consequently, Defendant GeoVera may remove this action pursuant to 28 U.S.C. § 1441.

8. Venue is proper in this Court under 28 U.S.C. § 1441(a) because this district and division embrace Harris County, Texas, the place where the removed action has been pending.

9. Accordingly, all requirements are met for removal under 28 U.S.C. §§ 1332 and 1441. *See* Mem. & Order, *Mesa v. Nationwide Prop. & Cas. Co.*, No. 4:09CV01262 (S.D. Tex. July 24, 2009) (denying motion to remand lawsuit against Nationwide and North Carolinian employee).

BASIS FOR REMOVAL

A. Diverse Citizenship of the Proper Parties

10. Upon information and belief, Plaintiffs are, and were at the time suit was filed, residents of Harris County, Texas, and citizens of the State of Texas. *See* Pls’ Orig. Pet. ¶ 3

(Exhibit "D" herein).

11. Defendant GeoVera is, and was at the time the lawsuit was filed, a citizen of the State of California. GeoVera is incorporated under the laws of the State of California, with its principal place of business in Fairfield, California.

B. Amount in Controversy Exceeds \$75,000.00

12. This is a civil action in which the amount in controversy exceeds \$75,000.00. Plaintiff's Petition expressly alleges that "Plaintiff seeks monetary relief of no more than \$100,000.00 [.]". See Pls' Orig. Pet. ¶ 70 (Exhibit "D" herein). Thus, the express allegations in the Petition exceed the amount in controversy threshold of \$75,000.00.

CONCLUSION AND PRAYER

All requirements are met for removal under 28 U.S.C. §§ 1332 and 1441. Accordingly, Defendant hereby removes this case to this Court for trial and determination.

Respectfully submitted,

/s/ Rhonda J. Thompson

Rhonda J. Thompson

Attorney-In-Charge

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COUNSEL FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that on April 3, 2015, a true and correct copy of the foregoing was delivered to the following counsel for Plaintiff in accordance with Federal Rule of Civil Procedure 5(b).

Via Facsimile and Certified Mail, RRR:

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